

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mohammad JILAVI et al.

Confirmation No. : 3388

Group Art Unit : 1794

Appl No. : 10/591,598

Examiner : Harrison, Nicole K

I. A. Filed : March 16, 2005

For : SCRATCH-RESISTANT OPTICAL MULTI-LAYER SYSTEM
APPLIED TO A CRYSTALLINE SUBSTRATE

ELECTION WITH TRAVERSE

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This is in response to the restriction requirement under 35 U.S.C. 121 and 372 mailed from the U.S. Patent and Trademark Office on May 22, 2009. Inasmuch as the one-month shortened statutory period for reply is set in the Office Action to expire June 22, 2009, this response is being filed by the initial due date for response. However, if any extension of time is necessary, this is an express request for any necessary extension of time and authorization to charge any required extension of time fee or any other fees which may be required to preserve the pendency of the present application to Deposit Account No. 19-0089.

RESTRICTION REQUIREMENT

The Examiner has required restriction under 35 U.S.C. 121 and 372 to one of the following inventions:

Group I, claim(s) s 21-34, drawn to a crystalline substrate with optical multilayer system thereon.

Group II, claim(s) 35-50, drawn to a process of making a crystalline substrate with optical multilayer system thereon.

ELECTION

In response to the restriction requirement, Applicants elect, with traverse, the invention of claims **21-34** (i.e., the invention of **Group I** as identified in the Restriction Requirement).

TRAVERSE

Applicants respectfully submit that a restriction requirement is inappropriate in this case. Even if one were to assume, *arguendo*, that the inventions of Groups I to II are distinct, the requirement for restriction should be withdrawn because there is no serious burden.

In MPEP Chapter 800, the Office sets forth its policy by which examiners are guided in requiring restriction under 35 U.S.C. § 121. Section 803 states that “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants note that the inventions of Groups I to II identified in the Restriction Requirement

relate to a crystalline substrate with optical multilayer system thereon, and to a method for the production thereof. Accordingly, as a practical matter, the searches for inventions I and II should significantly overlap. For example, a search for the invention of Group I should cover many of the areas that are also relevant for the invention of Group II and *vice versa*. Thus, the search and examination burden would not be serious.

For the above reasons alone, the Restriction Requirement should be withdrawn, which action is respectfully requested.

Should there be any questions, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,
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June 19, 2009
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